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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council

27/1
Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right to life, the right to liberty and security of person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolutions 7/12 of 27 March 2008 and 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances, as well as Council decision 25/116 of 27 March 2014 and Council resolution 21/4 of 27 September 2012,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States,

Welcoming the fact that 98 States have signed the International Convention for the Protection of All Persons from Enforced Disappearance and that 43 States have ratified or acceded to it, and recognizing that its implementation is a significant contribution to ending impunity and to the promotion and the protection of all human rights for all,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Taking note with interest of the recommendation made by the Working Group that more assistance should be provided to family members and members of civil society in order to enable them to report alleged cases of enforced disappearances to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearances remains a major problem due to various reasons including, inter alia, fear of reprisals, weak administration of justice, poverty and illiteracy,[1]

Taking note with interest also of the general comments of the Working Group on the right to the truth in relation to enforced disappearances,[2] on children and enforced disappearances,[3] and on women affected by enforced disappearances,[4] as well as of its general comment on enforced disappearance as a crime of a continuous nature,[5] and in this regard recalling the relevant provisions of the Convention and the Declaration,

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity as it is defined by the Rome Statute of the International Criminal Court,

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances, as well as the decision of the Assembly in its resolution 65/196 of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution 14/7 of 17 June 2010, 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and its call upon Member States, the United Nations system and other international and regional organizations, as well as civil society, to observe these days,

Acknowledging that many States cooperate with the Working Group, and encouraging States to cooperate with the Working Group,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Takes note with appreciation* of the reports of the Working Group on Enforced or Involuntary Disappearances,[6] and encourages States to give due consideration to the comments and recommendations contained therein;

3. *Welcomes* the important work undertaken by the Working Group to address all situations of enforced disappearances, and encourages the Working Group to pursue the fulfilment of its mandate as set out by the Human Rights Council in its resolution 7/12;

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[1] See A/HRC/27/49, para. 113.
[2] See A/HRC/16/48, para. 39.
[3] A/HRC/WGEID/98/1 and Corr.1.
[4] A/HRC/WGEID/98/2.
[5] See A/HRC/16/48, para. 39.
[6] A/HRC/22/45 and Corr.1, and A/HRC/27/49.

4. *Also welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates;

5. *Decides* to extend the mandate of the Working Group for a further period of three years, in conformity with the terms set forth in Human Rights Council resolution 7/12;

6. *Calls upon* States that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

7. *Encourages* the Working Group, in accordance with its working methods, to continue to provide concerned States with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for concerned States to cooperate with the Working Group;

8. *Notes with concern* that, according to the Working Group, it has insufficient resources to exercise its mandate effectively, particularly in relation to human resources, where there is an acute need,[7] and requests the Secretary-General to provide the Working Group with all the resources and assistance necessary for it to be able to sustainably fulfil its mandate effectively, in particular by putting adequate and predictable human and material resources at its disposal;

9. *Decides* to continue consideration of the question of enforced disappearances in accordance with its programme of work.

39th meeting
25 September 2014

[Adopted without a vote.]

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[7] A/HRC/27/49, para. 122.